

REMARKS

Applicant is in receipt of the Notice of Allowance ("Notice") mailed December 10, 2009. The Notice included an Examiner's Amendment to the claims that were pending after entry of the Amendment filed by the Applicant on September 21, 2009. The Examiner's Amendment was authorized by Applicant's representative, Adam C. Stone, in a telephonic interview on December 4, 2009. Applicant agrees with the Examiner's Amendment with respect to the claims expressly identified in the Examiner's Amendment. In particular, Applicant agrees with the Examiner's Amendment with respect to Claims 1, 4, 8, 11, 15, 18, 20, and 21.

However, Applicant disagrees with the Examiner's Amendment to the extent the Examiner's Amendment does not enter on the record the amendment to Claim 19 authorized by Mr. Stone and included in the facsimile sent from Mr. Stone to the Examiner on December 4, 2009. A copy of the facsimile was attached to the Notice. Note that in the copy of the facsimile attached to the Notice the status identifier for Claim 19 is "Currently amended". Applicant is resubmitting the amendment to Claim 19 as indicated in the facsimile in this Amendment.

The amendment to Claim 19 is necessary because Claim 18, from which the previous version of Claim 19 depended on, is canceled by the Examiner's Amendment. Further, the subject matter of Claim 18 is substantially incorporated into independent Claim 15. Accordingly, Claim 19 is amended to depend from Claim 15.

Claim 19 as amended contains limitations that mirror those of the previous version of Claim 19 by virtue of the fact that the previous version of Claim 19 depended from now canceled Claim 18 and the subject matter of Claim 18 has been substantially incorporated into independent Claim 15, from which amended Claim 19 depends. Claim 19 as amended does not present any new limitation that was not earlier examined. Thus, further substantive consideration is not required.

M.P.E.P. 714.16 states that amendments claims after allowance should be accompanied by remarks that fully and clearly state the reasons on which reliance is placed to show: (1) why the amendment is needed; (2) why the proposed amended or new claims require no additional search; (3) why the claims are patentable; and (4) why they were not presented earlier. Accordingly, the following remarks are provided:

(1) Why the amendment is needed. The amendment to Claim 19 is needed to ensure that dependent Claim 19 properly refers to another claim in the subject application in compliance

with 37 C.F.R. 1.75(c). The amendment to Claim 19 is also needed to properly apprise the public of the scope of the subject matter of Applicant's claims.

(2) Why the proposed amended or new claims require no additional search or examination. As mentioned previously, Claim 19 as amended contains limitations that mirror those of the previous version of Claim 19 by virtue of the fact that the previous version of Claim 19 depended from now canceled Claim 18 and the subject matter of Claim 18 has been substantially incorporated into independent Claim 15, from which amended Claim 19 depends. Thus, the amendment to Claim 19 does not present any new limitation that was not earlier examined.

(3) Why the claims are patentable. Claim 19 as amended is allowable for the same reasons for which the previous version of Claim 19 was allowed.

(4) Why they were not earlier presented. The amendment to Claim 19 was presented earlier in the facsimile sent from Mr. Stone to the Examiner on December 4, 2009. However, it is unclear from the Examiner's Amendment whether the previously presented amendment to Claim 19 was entered by the Examiner's Amendment. Thus, Applicant is resubmitting the amendment to Claim 19 under 37 C.F.R. § 1.312.

For the foregoing reasons, entry and allowance of the amendment to Claim 19 is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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